

AMENDED IN ASSEMBLY JUNE 28, 2009

CALIFORNIA LEGISLATURE—2009—10 THIRD EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 37

Introduced by Assembly Member Evans

June 18, 2009

~~An act relating to the Budget Act of 2009.~~ *An act to amend Section 135 of the Code of Civil Procedure, to amend Sections 68085.1, 68086.1, 69926, 69927, 69957, 70602, and 70626 of, to add Sections 68511.9 and 77202.5 to, to add Chapter 2.1 (commencing with Section 68650) to Title 8 of, and to add and repeal Section 68106 of, the Government Code, to amend Section 11050.5 of, and to amend, repeal, and add Section 1465.8 of, the Penal Code, and to amend Sections 1955 and 1961 of the Welfare and Institutions Code, relating to courts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 37, as amended, Evans. ~~Budget Act of 2009.~~ *Courts omnibus bill: public safety.*

(1) Existing law sets the fees at \$15 or \$20 for various court services, including, but not limited to, issuing a writ for the enforcement of an order or judgment, issuing an abstract of judgment, recording or registering any license or certificate, issuing an order of sale, and filing and entering an award under the Workers' Compensation Law.

This bill would increase those fees by \$10, and would provide that the \$10 fee increase shall be transmitted quarterly for deposit in the Trial Court Trust Fund and, commencing July 1, 2011, used by the Judicial Council for implementing and administering the civil representation pilot program described in (5) below.

(2) *Under existing law, \$25 of each specified filing fee in connection with certain civil proceedings is required to be used for services of an official court reporter in civil proceedings.*

This bill would increase the amount of those filing fees required to be used for services of an official court reporter in civil proceedings to \$30.

(3) *Under existing law, to the extent that a memorandum of understanding for trial court employees designates certain days as unpaid furlough days for employees assigned to regular positions in the superior court, the court may not be in session on those days except as ordered by the presiding judge.*

This bill, until July 1, 2010, would authorize the Judicial Council to provide that the courts be closed for the transaction of judicial business for one day per month, which would be treated as a judicial holiday, and to adopt court rules to implement these provisions, subject to specified conditions. The bill would authorize a judge or justice to sign a form, to be prepared by the Administrative Office of the Courts, stating that the judge or justice voluntarily agrees to irrevocably waive an amount equal to 4.62% of his or her monthly salary, as specified. The bill also would require a reduction in the amount of compensation due to the sheriff for court security services because of the closure of the courts under these provisions, and would, where a memorandum of understanding has been executed, require the court and the sheriff, county, or sheriff and county to negotiate that reduction and amend the memorandum of understanding accordingly. By imposing additional duties on county officials, the bill would create a state-mandated local program.

(4) *Existing law requires the Judicial Council to provide an annual status report to the chairpersons of the budget committee in each house of the Legislature and the Joint Legislative Budget Committee regarding the California Case Management System and Court Accounting and Reporting System, as specified. Under existing law, the office of the State Chief Information Officer is responsible for the approval and oversight of information technology projects.*

This bill would provide that the California Case Management System, and all other administrative and infrastructure information technology projects of the courts with total costs estimated at more than \$1,000,000, shall be subject to the review and recommendations of the office of the State Chief Information Officer. The bill would require the State Chief

Information Officer to submit a copy of those reviews and recommendations to the Joint Legislative Budget Committee.

(5) The State Bar Act provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. Existing law provides that it is the duty of an attorney to, among other things, never reject, for any consideration personal to himself or herself, the cause of the defenseless or oppressed. Existing law provides that a lawyer may fulfill his or her ethical commitment to provide pro bono services, in part, by providing financial support to organizations providing free legal services to persons of limited means.

This bill would, commencing July 1, 2011, and subject to funding specifically provided for this purpose, require the Judicial Council to develop one or more model pilot projects in selected courts for 3-year periods pursuant to a competitive grant process and a request for proposals. The bill would provide that legal counsel shall be appointed to represent low-income parties in civil matters involving critical issues affecting housing-related matters, domestic violence restraining orders, probate conservatorships, guardianships of the person, elder abuse, and the termination of a parent's legal custody of a child in those courts selected by the Judicial Council, as specified. The bill would provide that each pilot project shall be a partnership between the court, a qualified legal services project that shall serve as the lead agency for case assessment and direction, and other legal services providers in the community who are able to provide the services for the pilot project. The bill would require the lead legal services agency, to the extent practical, to identify and make use of pro bono services in order to maximize available services efficiently and economically. The bill would provide that the court partner is responsible for providing procedures, personnel, training, and case management and administration practices that reflect best practices, as specified. The bill would require a local advisory committee to be formed to facilitate the administration of the local project and to ensure that the project is fulfilling its objectives. The bill would require the Judicial Council to conduct a study to demonstrate the effectiveness and continued need for the pilot program, and to report its findings and recommendations to the Governor and the Legislature on or before March 1, 2015, and every 3 years thereafter.

(6) The Superior Court Law Enforcement Act of 2002 authorizes the presiding judge of each superior court to contract with a sheriff or marshal for the necessary level of law enforcement services in the

courts. Existing law requires the sheriff or marshal and presiding judge of any county to develop a court security plan to be utilized by the court, as specified, and requires the Judicial Council to establish a process for its review of court security plans in the California Rules of Court. Existing law requires the superior court and the sheriff or marshal to enter into a memorandum of understanding specifying the agreed upon level of court security services and their cost and terms of payment, and requires the sheriff or marshal to provide specified information to the courts by April 30 of each year, with actual court security allocations subject to the approval of the Judicial Council. Existing law requires the Administrative Office of the Courts to use the actual salary and benefits costs approved for court law enforcement personnel as of June 30 of each year in determining the annual funding request for the courts that will be presented to the Department of Finance.

This bill would provide that the cost of services specified in the memorandum of understanding shall be based on the estimated average cost of salary and benefits for equivalent personnel classifications in that county, not including overtime pay. In calculating the average cost of benefits, the bill would provide that only specified benefits may be included. The bill would require the Administrative Office of the Courts to use the average salary and benefits costs approved for court law enforcement personnel as of June 30 of each year in determining the annual funding request for the courts that will be presented to the Department of Finance.

(7) Existing law permits limited use of electronic recording devices in court proceedings under certain circumstances, but prohibits a court from expending funds for electronic recording technology or equipment to make an unofficial record of an action or proceeding or to use that technology or equipment to make the official record of an action or proceeding in any circumstance that is not authorized. Existing law also requires each superior court to report semiannually to the Judicial Council, and the Judicial Council to report semiannually to the Legislature, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

This bill would prohibit a court from expending funds for or using electronic recording technology or equipment to make an unofficial record of an action or proceeding, including for purposes of judicial notetaking, or to make the official record of an action or proceeding in any circumstance that is not authorized. The bill would authorize a court to use electronic recording equipment for the internal personnel

purpose of monitoring judicial officer performance, if notice is provided to litigants that the proceeding may be recorded for that purpose, as specified. The bill would require a court, prior to purchasing or leasing any electronic recording technology or equipment, to obtain advance approval from the Judicial Council.

(8) Existing law states the intent of the Legislature to establish a moratorium on increases in filing fees until January 1, 2012.

This bill would provide that, due to the economic crisis facing California in the 2009–10 fiscal year, a first paper filing fee increase is included in conjunction with the Budget Act of 2009.

(9) Existing law requires the Legislature to make an annual appropriation to the Judicial Council for the general operations of the trial courts based upon the request of the Judicial Council. Existing law requires the annual budget request to include, among other items, a cost-of-living and growth adjustment based on the year-to-year change in the state appropriations limit, and additional funding for the trial courts for costs resulting from the implementation of statutory changes that result in either an increased level of service or a new activity that directly affects the programmatic or operational needs of the courts.

This bill would require the Judicial Council to report all approved allocations and reimbursements to the trial courts in each fiscal year, including funding received through augmentations for costs resulting from the implementation of statutory changes, as described above, to the chairs of the Senate and Assembly Committees on Budget and the Judiciary on or before September 30 following the close of each fiscal year. The bill would specify the information to be included in the report, and would require the Administrative Office of the Courts to summarize that information by court and report it to the chairs of the Senate and Assembly Committees on Budget and the Judiciary on or before November 1, 2009, and each November 1 thereafter. The bill would require the trial courts to report to the Judicial Council on or before September 15 of each year all court revenues, expenditures, reserves, and fund balances from the prior fiscal year, as specified, and would require the Judicial Council to summarize and report that information to the chairs of those committees, and to post that information on a public Internet Web site, on or before December 31 of each year.

(10) Existing law imposes a fee of \$20 upon every conviction for a criminal offense, other than parking offenses, for funding of court security.

This bill would increase that court security fee to \$30 until July 1, 2011.

(11) Existing law authorizes the Department of Justice to charge a fee for any laboratory services it performs at the request of a local law enforcement agency, as specified.

This bill would require the Department of Justice to charge a fee for any laboratory services performed at the request of a local law enforcement agency. This bill would require the fee charged to be based on a sliding scale fee structure, based on an agency's ability to pay. This bill would also require the department to report to the Legislature on the implementation of the fee structure, as specified.

(12) Existing law establishes the Youthful Offender Block Grant Program to enhance the capacity of county departments to provide appropriate rehabilitative and supervision services to youthful offenders. Existing law requires the Director of Finance to determine for each fiscal year the total amount of the Youthful Offender Block Grant pursuant to a specified formula and the allocation for each county, and to report those findings to the Controller to make an annual allocation to each county from the Youthful Offender Block Grant Fund. Existing law requires each county, on or before January 1, 2008, to prepare and submit to the Corrections Standards Authority for approval a Juvenile Justice Development Plan for youthful offenders that includes a description of the programs, placements, services, or strategies to be funded by the block grant allocation.

This bill instead would require the allocation amount for each county from the Youthful Offender Block Grant Fund to be allocated in four equal installments, to be paid in September, December, March, and June, pursuant to the existing formula. The bill would require each county, on or before May 1 of each year, to prepare and submit to the Corrections Standards Authority for approval a Juvenile Justice Development Plan on its proposed expenditures for the next fiscal year of block grant funds that includes a description of the programs, placements, services, or strategies to be funded by the block grant allocation and other specified information. The bill would require each county receiving block grant funds, by October 1 of each year, to submit an annual report to the authority on its utilization of the block grant funds in the preceding fiscal year. By increasing the duties of local officials, the bill would impose a state-mandated local program.

This bill would require the Corrections Standards Authority to develop and provide a format for the Juvenile Justice Development Plan, and

would authorize the authority to develop and provide a dual format for counties for the submission together of that plan and the county multiagency juvenile justice plan, as specified. The bill would require the authority to prepare and make available to the public on its Internet Web site summaries of the annual county reports on the utilization of block grant funds, and would require the authority, by March 15th of each year, to prepare and submit to the Legislature a report summarizing county utilizations of block grant funds in the preceding fiscal year.

(13) This bill would provide that its provisions are severable.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2009.~~

~~The~~

(14) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) There is an increasingly dire need for legal services for poor
4 Californians. Due to insufficient funding from all sources, existing
5 programs providing free services in civil matters to indigent and
6 disadvantaged persons, especially underserved groups such as

1 *elderly, disabled, children, and non-English-speaking persons,*
2 *are not adequate to meet existing needs.*

3 *(b) The critical need for legal representation in civil cases has*
4 *been documented repeatedly, and the statistics are staggering.*
5 *California courts are facing an ever increasing number of parties*
6 *who go to court without legal counsel. Over 4.3 million*
7 *Californians are believed to be currently unrepresented in civil*
8 *court proceedings, largely because they cannot afford*
9 *representation. Current funding allows legal services programs*
10 *to assist less than one-third of California's poor and lower income*
11 *residents. As a result, many Californians are unable to*
12 *meaningfully access the courts and obtain justice in a timely and*
13 *effective manner. The effect is that critical legal decisions are*
14 *made without the court having the necessary information, or*
15 *without the parties having an adequate understanding of the orders*
16 *to which they are subject.*

17 *(c) The modern movement to offer legal services for the poor*
18 *was spearheaded by Sargent Shriver in 1966, aided by the*
19 *American Bar Association, then headed by future Supreme Court*
20 *Justice Lewis Powell, driven by the large disparity that existed*
21 *between the number of lawyers available for poor Americans*
22 *compared with the availability of legal services for others. While*
23 *much progress has been made since then, significant disparity*
24 *continues. According to federal poverty data, there was one legal*
25 *aid attorney in 2006 for every 8,373 poor people in California. By*
26 *contrast, the number of attorneys providing legal services to the*
27 *general population is approximately one for every 240 people –*
28 *nearly 35 times higher.*

29 *(d) The fair resolution of conflicts through the legal system*
30 *offers financial and economic benefits by reducing the need for*
31 *many state services and allowing people to help themselves. There*
32 *are significant social and governmental fiscal costs of depriving*
33 *unrepresented parties of vital legal rights affecting basic human*
34 *needs, particularly with respect to indigent parties, including the*
35 *elderly and people with disabilities, and these costs may be avoided*
36 *or reduced by providing the assistance of counsel where parties*
37 *have a reasonable possibility of achieving a favorable outcome.*

38 *(e) Expanding representation will not only improve access to*
39 *the courts and the quality of justice obtained by these individuals,*
40 *but will allow court calendars that currently include many*

1 self-represented litigants to be handled more effectively and
2 efficiently. Increasing the availability of legal representation for
3 litigants who must currently represent themselves or face loss of
4 their legal rights is a key priority of the Judicial Council and Chief
5 Justice Ronald M. George. As the Chief Justice has noted, the
6 large and growing number of self-represented litigants is one of
7 the most challenging issues in the coming decade, imposing
8 significant costs on the judicial system and the public by impairing
9 the ability of the courts to efficiently process heavy caseloads, and
10 eroding the public's confidence in our judicial system. While court
11 self-help services are important, those services are insufficient
12 alone to meet all needs. Experience has shown that those services
13 are much less effective when, among other factors, unrepresented
14 parties lack income, education, and other skills needed to navigate
15 a complex and unfamiliar court process, and particularly when
16 unrepresented parties are required to appear in court or face
17 opposing counsel. Recognizing that not all indigent parties may
18 be allowed representation, even when they have meritorious cases,
19 and that self-help services cannot meet the needs of all
20 unrepresented parties, courts presented with disputes regarding
21 basic human needs that involve low-income litigants facing parties
22 who are represented by counsel have a special responsibility to
23 employ best practices designed to ensure that unrepresented parties
24 obtain meaningful access to justice and to guard against the
25 involuntary waiver or other loss of rights or the disposition of
26 those cases without appropriate information and regard for
27 potential claims and defenses, consistent with principles of judicial
28 neutrality. The experience and data collected through a pilot
29 program will assist the courts and the legal community in
30 developing new strategies to provide legal representation to
31 overcome this challenge.

32 (f) The doctrine of equal justice under the law is based on two
33 principles. One is that the substantive protections and obligations
34 of the law shall be applied equally to everyone, no matter how
35 high or low their station in life. The second principle involves
36 access to the legal system. Even if we have fair laws and an
37 unbiased judiciary to apply them, true equality before the law will
38 be thwarted if people cannot invoke the laws for their protection.
39 For persons without access, our system provides no justice at all,

1 a situation that may be far worse than one in which the laws
2 expressly favor some and disfavor others.

3 (g) Many judicial leaders acknowledge that the disparity in
4 outcomes is so great that indigent parties who lack representation
5 regularly lose cases that they would win if they had counsel. A
6 growing body of empirical research confirms the widespread
7 perception that parties who attempt to represent themselves are
8 likely to lose, regardless of the merits of their case, particularly
9 when the opposing party has a lawyer, while parties represented
10 by counsel are far more likely to prevail. Judicial leaders and
11 scholars also believe that the presence of counsel encourages
12 settlements. Just as importantly, court opinion surveys show that
13 more than two-thirds of Californians believe low-income people
14 usually receive worse outcomes in court than others. Unfairness
15 in court procedures and outcomes, whether real or perceived,
16 threatens to undermine public trust and confidence in the courts.
17 The sense that court decisions are made through a process that is
18 fair and just, both in substance and procedure, strongly affects
19 public approval and confidence in California courts. As many
20 legal and judicial leaders have noted, the combined effect of
21 widespread financial inability to afford representation coupled
22 with the severe disadvantages of appearing in court without an
23 attorney foster a destructive perception that money drives the
24 judicial system. Respect for the law and the legal system is not
25 encouraged if the public perceives, rightly or wrongly, that justice
26 is mainly for the wealthy.

27 (h) Equal access to justice without regard to income is a
28 fundamental right in a democratic society. It is essential to the
29 enforcement of all other rights and responsibilities in any society
30 governed by the rule of law. It also is essential to the public's
31 confidence in the legal system and its ability to reach just decisions.

32 (i) The adversarial system of justice relied upon in the United
33 States inevitably allocates to the parties the primary responsibility
34 for discovering the relevant evidence, finding the relevant legal
35 principles, and presenting them to a neutral judge or jury.
36 Discharging these responsibilities generally requires the knowledge
37 and skills of a legally trained professional. The absence of
38 representation not only disadvantages parties, it has a negative
39 effect on the functioning of the judicial system. When parties lack
40 legal counsel, courts must cope with the need to provide guidance

1 *and assistance to ensure that the matter is properly administered*
2 *and the parties receive a fair trial or hearing. Those efforts,*
3 *however, deplete scarce court resources and negatively affect the*
4 *court's ability to function as intended, including causing erroneous*
5 *and incomplete pleadings, inaccurate information, unproductive*
6 *court appearances, improper defaults, unnecessary continuances,*
7 *delays in proceedings for all court users, and other problems that*
8 *can ultimately subvert the administration of justice.*

9 *(j) Because in many civil cases lawyers are as essential as*
10 *judges and courts to the proper functioning of the justice system,*
11 *the state has just as great a responsibility to ensure adequate*
12 *counsel is available to both parties in those cases as it does to*
13 *supply judges, courthouses, and other forums for the hearing of*
14 *those cases.*

15 *(k) Many of those living in this state cannot afford to pay for*
16 *the services of lawyers when needed for them to enjoy fair and*
17 *equal access to justice. In some cases, justice is not achievable if*
18 *one side is unrepresented because the parties cannot afford the*
19 *cost of representation. The guarantees of due process and equal*
20 *protection as well as the common law that serves as the rule of*
21 *decision in California courts underscore the need to provide legal*
22 *representation in critical civil matters when parties cannot afford*
23 *the cost of retaining a lawyer. In order for those who are unable*
24 *to afford representation to exercise this essential right of*
25 *participants in a democracy, to protect their rights to liberty and*
26 *property, and to the pursuit of basic human needs, the state has a*
27 *responsibility to provide legal counsel without cost. In many cases*
28 *decided in the state's adversarial system of civil justice the parties*
29 *cannot gain fair and equal access to justice unless they are advised*
30 *and represented by lawyers. In other cases, there are some forums*
31 *in which it may be possible for most parties to have fair and equal*
32 *access if they have the benefit of representation by qualified*
33 *nonlawyer advocates, and other forums where parties can*
34 *represent themselves if they receive self-help assistance.*

35 *(l) The state has an interest in providing publicly funded legal*
36 *representation and nonlawyer advocates or self-help advice and*
37 *assistance, when the latter is sufficient, and doing so in a*
38 *cost-effective manner by ensuring the level and type of service*
39 *provided is the lowest cost type of service consistent with providing*
40 *fair and equal access to justice. Several factors can affect the*

1 *determination of when representation by an attorney is needed for*
2 *fair and equal access to justice and when other forms of assistance*
3 *will suffice. These factors include the complexity of the substantive*
4 *law, the complexity of the forum's procedures and process, the*
5 *individual's education, sophistication, and English language*
6 *ability, and the presence of counsel on the opposing side of the*
7 *dispute.*

8 *(m) If those advised, assisted, or represented by publicly funded*
9 *lawyers are to have fair and equal access to justice, those lawyers*
10 *must be as independent, ethical, and loyal to their clients as those*
11 *serving clients who can afford to pay for counsel.*

12 *(n) The services provided for in Section 7 of this act are not*
13 *intended to, and shall not, supplant legal services resources from*
14 *any other source. This act does not entitle any person to receive*
15 *services from a particular legal services provider, nor shall this*
16 *act override the local or national priorities of existing legal*
17 *services programs. The services provided for in Section 7 of this*
18 *act are likewise not intended to undermine any existing pilot*
19 *programs or other efforts to simplify court procedures or provide*
20 *assistance to unrepresented litigants. Furthermore, nothing in this*
21 *act shall be construed to prohibit the provision of full legal*
22 *representation or other appropriate services funded by another*
23 *source.*

24 *SEC. 2. Section 135 of the Code of Civil Procedure is amended*
25 *to read:*

26 135. Every full day designated as a holiday by Section 6700
27 of the Government Code, including that Thursday of November
28 declared by the President to be Thanksgiving Day, *and one day*
29 *each month as designated by the Judicial Council pursuant to*
30 *Section 68106 of the Government Code*, is a judicial holiday, except
31 September 9, known as "Admission Day," and any other day
32 appointed by the President, but not by the Governor, for a public
33 fast, thanksgiving, or holiday. If a judicial holiday falls on a
34 Saturday or a Sunday, the Judicial Council may designate an
35 alternative day for observance of the holiday. Every Saturday and
36 the day after Thanksgiving Day is a judicial holiday. Officers and
37 employees of the courts shall observe only the judicial holidays
38 established pursuant to this section.

39 *SEC. 3. Section 68085.1 of the Government Code is amended*
40 *to read:*

1 68085.1. (a) This section applies to all fees and fines that are
2 collected on or after January 1, 2006, under all of the following:

3 (1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,
4 704.750, 708.160, 724.100, 1134, 1161.2, 1218, and 1993.2 of,
5 subdivision (g) of Section 411.20 and subdivisions (c) and (g) of
6 Section 411.21 of, and Chapter 5.5 (commencing with Section
7 116.110) of Title 1 of Part 1 of, the Code of Civil Procedure.

8 (2) Section 3112 of the Family Code.

9 (3) Section 31622 of the Food and Agricultural Code.

10 (4) Subdivision (d) of Section 6103.5, Sections 68086 and
11 68086.1, subdivision (d) of Section 68511.3, Sections 68926.1 and
12 69953.5, and Chapter 5.8 (commencing with Section 70600).

13 (5) Section 103470 of the Health and Safety Code.

14 (6) Subdivisions (b) and (c) of Section 166 and Section 1214.1
15 of the Penal Code.

16 (7) Sections 1835, 1851.5, 2343, 7660, and 13201 of the Probate
17 Code.

18 (8) Sections 14607.6 and 16373 of the Vehicle Code.

19 (9) Section 71386 of this code, Sections 304, 7851.5, and 9002
20 of the Family Code, and Section 1513.1 of the Probate Code, if
21 the reimbursement is for expenses incurred by the court.

22 (10) Section 3153 of the Family Code, if the amount is paid to
23 the court for the cost of counsel appointed by the court to represent
24 a child.

25 (b) On and after January 1, 2006, each superior court shall
26 deposit all fees and fines listed in subdivision (a), as soon as
27 practicable after collection and on a regular basis, into a bank
28 account established for this purpose by the Administrative Office
29 of the Courts. Upon direction of the Administrative Office of the
30 Courts, the county shall deposit civil assessments under Section
31 1214.1 of the Penal Code and any other money it collects under
32 the sections listed in subdivision (a) as soon as practicable after
33 collection and on a regular basis into the bank account established
34 for this purpose and specified by the Administrative Office of the
35 Courts. The deposits shall be made as required by rules adopted
36 by, and financial policies and procedures authorized by, the Judicial
37 Council under subdivision (a) of Section 77206. Within 15 days
38 after the end of the month in which the fees and fines are collected,
39 each court, and each county that collects any fines or fees under
40 subdivision (a), shall provide the Administrative Office of the

1 Courts with a report of the fees by categories as specified by the
2 Administrative Office of the Courts. The Administrative Office
3 of the Courts and any court may agree upon a time period greater
4 than 15 days, but in no case more than 30 days after the end of the
5 month in which the fees and fines are collected. The fees and fines
6 listed in subdivision (a) shall be distributed as provided in this
7 section.

8 (c) (1) Within 45 calendar days after the end of the month in
9 which the fees and fines listed in subdivision (a) are collected, the
10 Administrative Office of the Courts shall make the following
11 distributions:

12 (A) To the small claims advisory services, as described in
13 subdivision (f) of Section 116.230 of the Code of Civil Procedure.

14 (B) To dispute resolution programs, as described in subdivision
15 (b) of Section 68085.3 and subdivision (b) of Section 68085.4.

16 (C) To the county law library funds, as described in Sections
17 116.230 and 116.760 of the Code of Civil Procedure, subdivision
18 (b) of Section 68085.3, subdivision (b) of Section 68085.4, and
19 Section 70621 of this code, and Section 14607.6 of the Vehicle
20 Code.

21 (D) To the courthouse construction funds in the Counties of
22 Riverside, San Bernardino, and San Francisco, as described in
23 Sections 70622, 70624, and 70625.

24 (E) *Commencing July 1, 2011, to the Trial Court Trust Fund,*
25 *as described in subdivision (d) of Section 70626, to be used by the*
26 *Judicial Council to implement and administer the civil*
27 *representation pilot program under Section 68651.*

28 (2) If any distribution under this subdivision is delinquent, the
29 Administrative Office of the Courts shall add a penalty to the
30 distribution as specified in subdivision (i).

31 (d) Within 45 calendar days after the end of the month in which
32 the fees and fines listed in subdivision (a) are collected, the
33 amounts remaining after the distributions in subdivision (c) shall
34 be transmitted to the State Treasury for deposit in the Trial Court
35 Trust Fund and other funds as required by law. This remittance
36 shall be accompanied by a remittance advice identifying the
37 collection month and the appropriate account in the Trial Court
38 Trust Fund or other fund to which it is to be deposited. Upon the
39 receipt of any delinquent payment required under this subdivision,

1 the Controller shall calculate a penalty as provided under
2 subdivision (i).

3 (e) From the money transmitted to the State Treasury under
4 subdivision (d), the Controller shall make deposits as follows:

5 (1) Into the State Court Facilities Construction Fund, the Judges'
6 Retirement Fund, and the Equal Access Fund, as described in
7 subdivision (c) of Section 68085.3 and subdivision (c) of Section
8 68085.4.

9 (2) Into the Health Statistics Special Fund, as described in
10 subdivision (b) of Section 70670 of this code and Section 103730
11 of the Health and Safety Code.

12 (3) Into the Family Law Trust Fund, as described in Section
13 70674.

14 (4) Into the Immediate and Critical Needs Account of the State
15 Court Facilities Construction Fund, established in Section 70371.5,
16 as described in Sections 68085.3, 68085.4, and 70657.5, and
17 subdivision (e) of Section 70617.

18 (5) The remainder of the money shall be deposited into the Trial
19 Court Trust Fund.

20 (f) The amounts collected by each superior court under Section
21 116.232, subdivision (g) of Section 411.20, and subdivision (g) of
22 Section 411.21 of the Code of Civil Procedure, Sections 304, 3112,
23 3153, 7851.5, and 9002 of the Family Code, subdivision (d) of
24 Section 6103.5, subdivision (d) of Section 68511.3 and Sections
25 68926.1, 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386
26 of this code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
27 Probate Code shall be added to the monthly apportionment for that
28 court under subdivision (a) of Section 68085.

29 (g) If any of the fees provided in subdivision (a) are partially
30 waived by court order or otherwise reduced, and the fee is to be
31 divided between the Trial Court Trust Fund and any other fund or
32 account, the amount of the reduction shall be deducted from the
33 amount to be distributed to each fund in the same proportion as
34 the amount of each distribution bears to the total amount of the
35 fee. If the fee is paid by installment payments, the amount
36 distributed to each fund or account from each installment shall
37 bear the same proportion to the installment payment as the full
38 distribution to that fund or account does to the full fee. If a court
39 collects a fee that was incurred before January 1, 2006, under a
40 provision that was the predecessor to one of the paragraphs

1 contained in subdivision (a), the fee may be deposited as if it were
2 collected under the paragraph of subdivision (a) that corresponds
3 to the predecessor of that paragraph and distributed in prorated
4 amounts to each fund or account to which the fee in subdivision
5 (a) must be distributed.

6 (h) Except as provided in Sections 470.5 and 6322.1 of the
7 Business and Professions Code, and Sections 70622, 70624, and
8 70625 of this code, no agency may take action to change the
9 amounts allocated to any of the funds described in subdivision (c),
10 (d), or (e).

11 (i) The amount of the penalty on any delinquent payment under
12 subdivision (c) or (d) shall be calculated by multiplying the amount
13 of the delinquent payment at a daily rate equivalent to 1 ½ percent
14 per month for the number of days the payment is delinquent. The
15 penalty shall be paid from the Trial Court Trust Fund. Penalties
16 on delinquent payments under subdivision (d) shall be calculated
17 only on the amounts to be distributed to the Trial Court Trust Fund
18 and the State Court Facilities Construction Fund, and each penalty
19 shall be distributed proportionately to the funds to which the
20 delinquent payment was to be distributed.

21 (j) If a delinquent payment under subdivision (c) or (d) results
22 from a delinquency by a superior court under subdivision (b), the
23 court shall reimburse the Trial Court Trust Fund for the amount
24 of the penalty. Notwithstanding Section 77009, any penalty on a
25 delinquent payment that a court is required to reimburse pursuant
26 to this section shall be paid from the court operations fund for that
27 court. The penalty shall be paid by the court to the Trial Court
28 Trust Fund no later than 45 days after the end of the month in
29 which the penalty was calculated. If the penalty is not paid within
30 the specified time, the Administrative Office of the Courts may
31 reduce the amount of a subsequent monthly allocation to the court
32 by the amount of the penalty on the delinquent payment.

33 (k) If a delinquent payment under subdivision (c) or (d) results
34 from a delinquency by a county in transmitting fees and fines listed
35 in subdivision (a) to the bank account established for this purpose,
36 as described in subdivision (b), the county shall reimburse the Trial
37 Court Trust Fund for the amount of the penalty. The penalty shall
38 be paid by the county to the Trial Court Trust Fund no later than
39 45 days after the end of the month in which the penalty was
40 calculated.

1 *SEC. 4. Section 68086.1 of the Government Code is amended*
2 *to read:*

3 68086.1. (a) ~~Commencing January 1, 2006, for each~~
4 ~~three-hundred-fifty-dollar (\$350) For each~~
5 ~~three-hundred-fifty-five-dollar (\$355)~~ fee collected under Section
6 70611, 70612, or 70670, ~~twenty-five dollars (\$25)~~ *thirty dollars*
7 (\$30) of the amount distributed to the Trial Court Trust Fund shall
8 be used for services of an official court reporter in civil
9 proceedings.

10 (b) ~~Commencing January 1, 2006, for each~~
11 ~~three-hundred-twenty-five-dollar (\$325) For each~~
12 ~~three-hundred-thirty-dollar (\$330)~~ fee collected under subdivision
13 (a) of Section 70613 or subdivision (a) of Section 70614,
14 ~~twenty-five dollars (\$25)~~ *thirty dollars (\$30)* of the amount
15 distributed to the Trial Court Trust Fund shall be used for services
16 of an official court reporter in civil proceedings.

17 (c) It is the intent of the Legislature, in approving the
18 ~~twenty-five-dollar (\$25)~~ *thirty-dollar (\$30)* distribution out of each
19 filing fee listed in subdivisions (a) and (b), to continue an incentive
20 to courts to use the services of an official court reporter in civil
21 proceedings. However, nothing in this section shall affect the
22 Judicial Council's authority to allocate these revenues to replace
23 reductions in the General Fund appropriation to the Trial Court
24 Trust Fund.

25 (d) The portion of the distribution to the Trial Court Trust Fund
26 to be used for services of an official court reporter in civil
27 proceedings pursuant to subdivisions (a) and (b) shall be used only
28 in trial courts that utilize the services of an official court reporter
29 in civil proceedings.

30 *SEC. 5. Section 68106 is added to the Government Code, to*
31 *read:*

32 68106. (a) *The Legislature finds and declares that the current*
33 *fiscal crisis, one of the most serious and dire ever to affect the*
34 *state, threatens the continued operations of the judicial branch.*
35 *This situation requires a unique response to effectively use judicial*
36 *branch resources while protecting the public by ensuring that*
37 *courts remain open and accessible and that the core functions of*
38 *the judicial branch are maintained to the greatest extent possible.*

39 (b) *Notwithstanding any other law, the Judicial Council may*
40 *provide that the courts be closed for the transaction of judicial*

1 *business for one day per month and may adopt rules of court to*
2 *implement this section, subject to the following conditions:*

3 *(1) If the Judicial Council has provided for the closure of courts*
4 *pursuant to this section, the day so designated shall be treated as*
5 *a judicial holiday for purposes of performing any act requiring*
6 *the transaction of judicial business, including, but not limited to,*
7 *all of the following:*

8 *(A) The transaction of judicial business under Section 134 of*
9 *the Code of Civil Procedure.*

10 *(B) The sitting or holding of a court under Section 136 of the*
11 *Code of Civil Procedure.*

12 *(C) The computation of time under Sections 12 and 12a of the*
13 *Code of Civil Procedure.*

14 *(D) The computation of time under all time-dependent*
15 *provisions, including, but not limited to, Sections 825, 859b, 1050,*
16 *1191, 1382, and 1449 of the Penal Code, and Sections 313, 315,*
17 *631, 632, 637, 657, 702, 704, 708, and 777 of the Welfare and*
18 *Institutions Code.*

19 *(2) A court may still receive papers for filing on a day*
20 *designated for closure, but the time of filing of the papers shall be*
21 *the next court day on which the court is open for the transaction*
22 *of judicial business. The receipt of papers pursuant to this*
23 *subdivision shall not constitute opening of the court for any*
24 *purpose. A day designated for closure under this section is not*
25 *governed by Section 68108.*

26 *(3) The impact of the court closure shall be subject to*
27 *subdivision (c) of Section 71634 and subdivision (c) of Section*
28 *71816. Notwithstanding any other law, any court closure or*
29 *reduction in earnings as a result of this section shall not constitute*
30 *a reduction in salary or service for the purpose of calculation of*
31 *retirement benefits or other employment-related benefits for court*
32 *employees otherwise eligible for those benefits. Nothing in this*
33 *section shall relieve a trial court of its obligation to meet and*
34 *confer concerning the impact of a court closure pursuant to*
35 *Chapter 7 (commencing with Section 71600) and Chapter 7.5*
36 *(commencing with Section 71800) of Title 8 of the Government*
37 *Code, and the trial courts, rather than the Judicial Council or*
38 *Administrative Office of the Courts, shall remain responsible for*
39 *meeting and conferring concerning that impact.*

1 (4) A judge or justice may sign a form, to be prepared by the
2 Administrative Office of the Courts, which shall provide that the
3 judge or justice voluntarily agrees to irrevocably waive, in
4 advance, on a monthly basis, an amount equal to 4.62 percent of
5 the monthly salary otherwise payable to the judge or justice in the
6 absence of a waiver. The Administrative Office of the Courts shall
7 transmit the form to the Controller, county, or other entity paying
8 the salary of the judge or justice, except that the form shall only
9 be transmitted to the entity that pays the greatest portion of the
10 salary if the judge or justice is paid by more than one entity. The
11 entity receiving the form shall reduce the payment otherwise due
12 to the judge or justice from that entity by an amount that takes into
13 account the full effect of the 4.62 percent reduction of the total
14 monthly salary of the judge or justice received from all entities.
15 Notwithstanding any other law, a judge or justice who elects to
16 sign the form under this section shall not be deemed by that act to
17 be holding office for other than full-time service during the time
18 covered by the voluntary waiver of salary, and that waiver shall
19 not be deemed a reduction in salary or service for purposes of the
20 calculation of any retirement benefits, supplemental judicial
21 benefits provided pursuant to Section 68220, or other job-related
22 benefits. Except as necessary for purposes of paragraph (5), a
23 judge or justice who makes a waiver is not obligated to appear
24 for work at the courthouse on any day that a court is closed under
25 this section.

26 (5) A judicial officer shall be available for the signing of any
27 necessary documents on an emergency basis during the time a
28 court is closed under this section on the same basis as a judicial
29 officer is available on Saturdays, Sundays, and judicial holidays,
30 and any other time a court is closed.

31 (6) As a result of the closures authorized by this subdivision,
32 court security shall not be required on any day in which courts
33 are closed pursuant to this section.

34 (A) If a superior court has executed a memorandum of
35 understanding as required by Section 69926 with a sheriff, county,
36 or sheriff and county, the court and the sheriff, county, or sheriff
37 and county shall negotiate a reduction in the amount of
38 compensation due to the sheriff because of the reduced amount of
39 security resulting from the closure of the courts under this section.
40 If necessary, the court and sheriff, county, or sheriff and county

1 shall amend the memorandum of understanding required under
2 Section 69926 to reflect that reduction. Notwithstanding any other
3 law or memorandum of understanding, if the court and sheriff are
4 unable to reach an agreement within 30 days of the first court
5 closure, the sheriff shall continue to provide on days the court is
6 open the same level of service previously required under its
7 memorandum of understanding, but the amount of compensation
8 payable to the sheriff under the memorandum of understanding
9 shall be reduced by an amount equal to 4.62 percent of those
10 allowable costs authorized to be paid under paragraph (6) of
11 subdivision (a) of Section 69927. Upon reaching an agreement,
12 the court and sheriff may reconcile any prior payments based on
13 the terms subsequently agreed upon by the court and sheriff.

14 (B) If a superior court and a sheriff, county, or sheriff and
15 county, have not executed a memorandum of understanding as
16 required by Section 69926, the sheriff shall continue to provide
17 security services as required by the court, but the compensation
18 payable to the sheriff shall be no more than the rate of the average
19 monthly amount paid by the court to the sheriff in the 2008–09
20 fiscal year, reduced by 4.62 percent, to reflect the reduced level
21 of security required as a result of the closure of the courts under
22 this section.

23 (c) To the extent practicable, the impact of the court closure on
24 the availability of courtrooms and court services shall be spread
25 in a proportional manner that reflects the caseload of the court.

26 (d) This section shall become inoperative on July 1, 2010, and,
27 as of January 1, 2011, is repealed, unless a later enacted statute,
28 that becomes operative on or before January 1, 2011, deletes or
29 extends the dates on which it becomes inoperative and is repealed.

30 SEC. 6. Section 68511.9 is added to the Government Code, to
31 read:

32 68511.9. Notwithstanding any other law, the California Case
33 Management System, as well as all other administrative and
34 infrastructure information technology projects of the courts with
35 total costs estimated at more than one million dollars (\$1,000,000),
36 shall be subject to the reviews and recommendations of the office
37 of the State Chief Information Officer, as provided in Section
38 11546. The State Chief Information Officer shall submit a copy of
39 those reviews and recommendations to the Joint Legislative Budget
40 Committee.

1 *SEC. 7. Chapter 2.1 (commencing with Section 68650) is added*
2 *to Title 8 of the Government Code, to read:*

3
4 *CHAPTER 2.1. CIVIL LEGAL REPRESENTATION*
5

6 68650. *This chapter shall be known, and may be cited, as the*
7 *Sargent Shriver Civil Counsel Act.*

8 68651. (a) *Legal counsel shall be appointed to represent*
9 *low-income parties in civil matters involving critical issues*
10 *affecting basic human needs in those specified courts selected by*
11 *the Judicial Council as provided in this section.*

12 (b) (1) *Subject to funding specifically provided for this purpose*
13 *pursuant to subdivision (d) of Section 70626, the Judicial Council*
14 *shall develop one or more model pilot projects in selected courts*
15 *pursuant to a competitive grant process and a request for*
16 *proposals. Projects authorized under this section shall provide*
17 *representation of counsel for low-income persons who require*
18 *legal services in civil matters involving housing-related matters,*
19 *domestic violence restraining orders, probate conservatorships,*
20 *guardianships of the person, elder abuse, and the termination of*
21 *a parent's legal custody of a child, as well as providing court*
22 *procedures, personnel, training, and case management and*
23 *administration methods that reflect best practices to ensure*
24 *unrepresented parties in those cases have meaningful access to*
25 *justice, and to gather information on the outcomes associated with*
26 *providing these services, to guard against the involuntary waiver*
27 *of those rights or their disposition by default. These pilot projects*
28 *should be designed to address the substantial inequities in timely*
29 *and effective access to justice that often give rise to an undue risk*
30 *of erroneous decision because of the nature and complexity of the*
31 *law and the proceeding or disparities between the parties in*
32 *education, sophistication, language proficiency, legal*
33 *representation, access to self-help, and alternative dispute*
34 *resolution services. In order to ensure that the scarce funds*
35 *available for the program are used to serve the most critical cases*
36 *and the parties least able to access the courts without*
37 *representation, eligibility for representation shall be limited to*
38 *clients whose household income falls at or below 200 percent of*
39 *the federal poverty level. Projects shall impose asset limitations*
40 *consistent with their existing practices in order to ensure optimal*

1 use of funds. No more than 20 percent of available funds may be
2 directed to projects regarding civil matters involving the
3 termination of a parent's legal custody of a child.

4 (2) Each project shall be a partnership between the court, a
5 qualified legal services project, as defined by subdivision (a) of
6 Section 6213 of the Business and Professions Code, that shall
7 serve as the lead agency for case assessment and direction, and
8 other legal services providers in the community who are able to
9 provide the services for the project. The lead legal services agency
10 shall be the central point of contact for receipt of referrals to the
11 project and to make determinations of eligibility based on uniform
12 criteria. The lead legal services agency shall be responsible for
13 providing representation to the clients or referring the matter to
14 one of the organization or individual providers with whom the
15 legal services agency contracts to provide the service. Funds
16 received by a qualified legal services project shall not qualify as
17 expenditures for the purposes of the distribution of funds pursuant
18 to Section 6216 of the Business and Professions Code. To the extent
19 practical, the lead legal services agency shall identify and make
20 use of pro bono services in order to maximize available services
21 efficiently and economically. Recognizing that not all indigent
22 parties can be afforded representation, even when they have
23 meritorious cases, the court partner shall, as a corollary to the
24 services provided by the legal services agency, be responsible for
25 providing procedures, personnel, training, and case management
26 and administration practices that reflect best practices to ensure
27 unrepresented parties meaningful access to justice and to guard
28 against the involuntary waiver of rights, as well as to encourage
29 fair and expeditious voluntary dispute resolution, consistent with
30 principles of judicial neutrality.

31 (3) The participating courts shall be selected by a committee
32 appointed by the Judicial Council with representation from key
33 stakeholder groups, including judicial officers, legal services
34 providers, and others, as appropriate. The committee shall assess
35 the applicants' capacity for success, innovation, and efficiency,
36 including, but not limited to, the likelihood that the project would
37 deliver quality representation in an effective manner that would
38 meet critical needs in the community and address the needs of the
39 court with regard to access to justice and calendar management,
40 and the unique local unmet needs for representation in the

1 community. Projects approved pursuant to this section shall
2 initially be authorized for a three-year period, commencing July
3 1, 2011, subject to renewal for a period to be determined by the
4 Judicial Council, in consultation with the participating court in
5 light of the court's capacity and success. Projects shall be selected
6 on the basis of whether in the case type proposed for service the
7 persons to be assisted would otherwise be likely to be opposed by
8 a party who is represented by counsel. The Judicial Council may
9 also consider the following factors:

10 (A) The likelihood that representation in the proposed case type
11 tends to affect whether a party prevails or otherwise obtains a
12 significantly more favorable outcome in a matter in which they
13 would otherwise frequently have judgment entered against them
14 or suffer the deprivation of the basic human need at issue.

15 (B) The likelihood of reducing the risk of erroneous decision.

16 (C) The nature and severity of potential consequences for the
17 unrepresented party regarding the basic human need at stake if
18 representation is not provided.

19 (D) Whether the provision of legal services may eliminate or
20 reduce the potential need for and cost of public social services
21 regarding the basic human need at stake for the client and others
22 in the client's household.

23 (E) The unmet need for legal services in the geographic area
24 to be served.

25 (F) The availability and effectiveness of other types of court
26 services, such as self-help.

27 (4) Each applicant shall do all of the following:

28 (A) Identify the nature of the partnership between the court, the
29 lead legal services agency, and the other agencies or other
30 providers that would work within the project.

31 (B) Describe the referral protocols to be used, the criteria that
32 would be employed in case assessment, why those cases were
33 selected, the manner to address conflicts without violating any
34 attorney-client privilege when adverse parties are seeking
35 representation through the project, and the means for serving
36 potential clients who need assistance with English.

37 (C) Describe how the project would be administered, including
38 how the data collection requirements would be met without causing
39 an undue burden on the courts, clients, or the providers, the
40 particular objectives of the project, strategies to evaluate their

1 *success in meeting those objectives, and the means by which the*
2 *project would serve the particular needs of the community, such*
3 *as by providing representation to limited-English-speaking clients.*

4 *(5) To ensure the most effective use of the funding available,*
5 *the lead legal services agency shall serve as a hub for all referrals,*
6 *and the point at which decisions are made about which referrals*
7 *will be served and by whom. Referrals shall emanate from the*
8 *court, as well as from the other agencies providing services*
9 *through the program, and shall be directed to the lead agency for*
10 *review. That agency, or another agency or attorney in the event*
11 *of conflict, shall collect the information necessary to assess whether*
12 *the case should be served. In performing that case assessment, the*
13 *agency shall determine the relative need for representation of the*
14 *litigant, including all of the following:*

15 *(A) Case complexity.*

16 *(B) Whether the other party is represented.*

17 *(C) The adversarial nature of the proceeding.*

18 *(D) The availability and effectiveness of other types of services,*
19 *such as self-help, in light of the potential client and the nature of*
20 *the case.*

21 *(E) Language issues.*

22 *(F) Disability access issues.*

23 *(G) Literacy issues.*

24 *(H) The merits of the case.*

25 *(I) The nature and severity of potential consequences for the*
26 *potential client if representation is not provided.*

27 *(J) Whether the provision of legal services may eliminate or*
28 *reduce the need for and cost of public social services for the*
29 *potential client and others in the potential client's household.*

30 *(6) If both parties to a dispute are financially eligible for*
31 *representation, each proposal shall ensure that representation for*
32 *both sides is evaluated. In these and other cases in which conflict*
33 *issues arise, the lead agency shall have referral protocols with*
34 *other agencies and providers, such as a private attorney panel, to*
35 *address those conflicts.*

36 *(7) Each pilot project shall be responsible for keeping records*
37 *on the referrals accepted and those not accepted for representation,*
38 *and the reasons for each, in a manner that does not violate any*
39 *privileged communications between the agency and the prospective*
40 *client. Each pilot project shall be provided with standardized data*

1 collection tools, and required to track case information for each
2 referral to allow the evaluation to measure the number of cases
3 served, the level of service required, and the outcomes for the
4 clients in each case. In addition to this information on the effect
5 of the representation on the clients, data shall be collected
6 regarding the outcomes for the trial courts.

7 (8) A local advisory committee shall be formed for each pilot
8 project, to include representatives of the bench and court
9 administration, the lead legal services agency, and the other
10 agencies or providers that are part of the local project team. The
11 role of the advisory committee is to facilitate the administration
12 of the local pilot project, and to ensure that the project is fulfilling
13 its objectives. In addition, the committee shall resolve any issues
14 that arise during the course of the pilot project, including issues
15 concerning case eligibility, and recommend changes in project
16 administration in response to implementation challenges. The
17 committee shall meet at least monthly for the first six months of
18 the project, and no less than quarterly for the duration of the pilot
19 period. Each authorized pilot project shall catalog changes to the
20 program made during the three-year period based on its
21 experiences with best practices in serving the eligible population.

22 (c) The Judicial Council shall conduct a study to demonstrate
23 the effectiveness and continued need for the pilot program
24 established pursuant to this section and shall report its findings
25 and recommendations to the Governor and the Legislature on or
26 before March 1, 2015, and every three years thereafter. The study
27 shall report on the percentage of funding by case type and shall
28 include data on the impact of counsel on equal access to justice
29 and the effect on court administration and efficiency, and enhanced
30 coordination between courts and other government service
31 providers and community resources. This report shall describe
32 the benefits of providing representation to those who were
33 previously not represented, both for the clients and the courts, as
34 well as strategies and recommendations for maximizing the benefit
35 of that representation in the future.

36 (d) This section shall not be construed to negate, alter, or limit
37 any right to counsel in a criminal or civil action or proceeding
38 otherwise provided by state or federal law.

39 (e) The section shall become operative on July 1, 2011.

1 SEC. 8. *Section 69926 of the Government Code is amended to*
2 *read:*

3 69926. (a) This section applies to the superior court and the
4 sheriff or marshal's department in those counties in which either
5 of the following apply:

6 (1) The sheriff's department was otherwise required by law to
7 provide court security services on and after July 1, 1998.

8 (2) Court security was provided by the marshal's office on and
9 after July 1, 1998, the marshal's office was subsequently abolished
10 and succeeded by the sheriff's department, and the successor
11 sheriff's department is required to provide court security services
12 as successor to the marshal.

13 (b) The superior court and the sheriff or marshal shall enter into
14 an annual or multiyear memorandum of understanding specifying
15 the agreed upon level of court security services, cost of services,
16 and terms of payment. *The cost of services specified in the*
17 *memorandum of understanding shall be based on the estimated*
18 *average cost of salary and benefits for equivalent personnel*
19 *classifications in that county, not including overtime pay. In*
20 *calculating the average cost of benefits, only those benefits listed*
21 *in paragraph (6) of subdivision (a) of Section 69927 shall be*
22 *included. For purposes of this article, "benefits" excludes any*
23 *item not expressly listed in this subdivision, including, but not*
24 *limited to, any costs associated with retiree health benefits. As*
25 *used in this subdivision, retiree health benefits includes, but is not*
26 *limited to, the current cost of health benefits for already retired*
27 *personnel and any amount to cover the costs of future retiree health*
28 *benefits for either currently employed or already retired personnel.*

29 (c) The sheriff or marshal shall provide information as identified
30 in the contract law enforcement template by April 30 of each year
31 to the superior court in that county, specifying the nature, extent,
32 and basis of the costs, including negotiated or projected salary
33 increases of court law enforcement services that the sheriff
34 proposes to include in the budget of the court security program for
35 the following state budget year. Actual court security allocations
36 shall be subject to the approval of the Judicial Council and the
37 funding provided by the Legislature. It is the intent of the
38 Legislature that proposed court security expenditures submitted
39 by the Judicial Council to the Department of Finance for inclusion

1 in the Governor's Budget shall be as defined in the contract law
2 enforcement template.

3 (d) If the superior court and the sheriff or marshal are unwilling
4 or unable to enter into an agreement pursuant to this section on or
5 before August 1 of any fiscal year, the court or sheriff or marshal
6 may request the continuation of negotiations between the superior
7 court and the sheriff or marshal for a period of 45 days with
8 mediation assistance, during which time the previous law
9 enforcement services agreement shall remain in effect. Mutually
10 agreed upon mediation assistance shall be determined by the
11 Administrative Director of the Courts and the president of the
12 California State Sheriffs' Association.

13 *SEC. 9. Section 69927 of the Government Code is amended to*
14 *read:*

15 69927. (a) It is the intent of the Legislature in enacting this
16 section to develop a definition of the court security component of
17 court operations that modifies Function 8 of Rule 10.810 of the
18 California Rules of Court in a manner that will standardize billing
19 and accounting practices and court security plans, and identify
20 allowable law enforcement security costs after the operative date
21 of this article. It is not the intent of the Legislature to increase or
22 decrease the responsibility of a county for the cost of court
23 operations, as defined in Section 77003 or Rule 10.810 of the
24 California Rules of Court, as it read on January 1, 2007, for court
25 security services provided prior to January 1, 2003. It is the intent
26 of the Legislature that a sheriff's or marshal's court law
27 enforcement budget not be reduced as a result of this article. Any
28 new court security costs permitted by this article shall not be
29 operative unless the funding is provided by the Legislature.

30 (1) The Judicial Council shall adopt a rule establishing a working
31 group on court security. The group shall consist of six
32 representatives from the judicial branch of government, as selected
33 by the Administrative Director of the Courts, two representatives
34 of the counties, as selected by the California State Association of
35 Counties, and three representatives of the county sheriffs, as
36 selected by the California State Sheriffs' Association. It is the
37 intent of the Legislature that this working group may recommend
38 modifications only to the template used to determine that the
39 security costs submitted by the courts to the Administrative Office
40 of the Courts are permitted pursuant to this article. The template

1 shall be a part of the trial court's financial policies and procedures
2 manual and used in place of the definition of law enforcement
3 costs in Function 8 of Rule 10.810 of the California Rules of Court.
4 If the working group determines that there is a need to make
5 recommendations to the template that specifically involve law
6 enforcement or security personnel in courtrooms or court detention
7 facilities, the membership of the working group shall change and
8 consist of six representatives from the judicial branch of
9 government selected by the Administrative Director of the Courts,
10 two representatives of the counties selected by the California State
11 Association of Counties, two representatives of the county sheriffs
12 selected by the California State Sheriffs' Association, and two
13 representatives of labor selected by the California Coalition of
14 Law Enforcement Associations.

15 (2) The Judicial Council shall establish a working group on
16 court security to promulgate recommended uniform standards and
17 guidelines that may be used by the Judicial Council and any sheriff
18 or marshal for the implementation of trial court security services.
19 The working group shall consist of representatives from the judicial
20 branch of government, the California State Sheriffs' Association,
21 the California State Association of Counties, the Peace Officer's
22 Research Association of California, and the California Coalition
23 of Law Enforcement Associations, for the purpose of developing
24 guidelines. The Judicial Council, after requesting and receiving
25 recommendations from the working group on court security, shall
26 promulgate and implement rules, standards, and policy directions
27 for the trial courts in order to achieve efficiencies that will reduce
28 security operating costs and constrain growth in those costs.

29 (3) When mutually agreed to by the courts, county, and the
30 sheriff or marshal in any county, the costs of perimeter security in
31 any building that the court shares with any county agency,
32 excluding the sheriff's or marshal's department, shall be
33 apportioned based on the amount of the total noncommon square
34 feet of space occupied by the court and any county agency.

35 (4) "Allowable costs for equipment, services, and supplies," as
36 defined in the contract law enforcement template, means the
37 purchase and maintenance of security screening equipment and
38 the costs of ammunition, batons, bulletproof vests, handcuffs,
39 holsters, leather gear, chemical spray and holders, radios, radio
40 chargers and holders, uniforms, and one primary duty sidearm.

1 (5) “Allowable costs for professional support staff for court
2 security operations,” as defined in the contract law enforcement
3 template, means the salary, benefits, and overtime of staff
4 performing support functions that, at a minimum, provide payroll,
5 human resources, information systems, accounting, or budgeting.

6 Allowable costs for professional support staff for court security
7 operations in each trial court shall not exceed 6 percent of total
8 allowable costs for law enforcement security personnel services
9 in courts with total allowable costs for law enforcement security
10 personnel services less than ten million dollars (\$10,000,000) per
11 year. Allowable costs for professional support staff for court
12 security operations for each trial court shall not exceed 4 percent
13 of total allowable costs for law enforcement security personnel
14 services in courts with total allowable costs for law enforcement
15 security personnel services exceeding ten million dollars
16 (\$10,000,000) per year. Additional costs for services related to
17 court-mandated special project support, beyond those provided
18 for in the contract law enforcement template, are allowable only
19 when negotiated by the trial court and the court law enforcement
20 provider. Allowable costs shall not exceed actual costs of providing
21 support staff services for law enforcement security personnel
22 services.

23 The working group established pursuant to paragraph (1) of
24 subdivision (a) may periodically recommend changes to the limit
25 for allowable costs for professional support staff for court security
26 operations based on surveys of actual expenditures incurred by
27 trial courts and the court law enforcement provider in the provision
28 of law enforcement security personnel services. Limits for
29 allowable costs as stated in this section shall remain in effect until
30 changes are recommended by the working group and adopted by
31 the Judicial Council.

32 (6) “Allowable costs for security personnel services,” as defined
33 in the contract law enforcement template, means the salary and
34 benefits of an employee, including, but not limited to, county health
35 and welfare, county incentive payments, deferred compensation
36 plan costs, FICA or Medicare, general liability premium costs,
37 leave balance payout commensurate with an employee’s time in
38 court security services as a proportion of total service credit earned
39 after January 1, 1998, premium pay, retirement, state disability
40 insurance, unemployment insurance costs, workers’ compensation

1 paid to an employee in lieu of salary, workers' compensation
2 premiums of supervisory security personnel through the rank of
3 captain, line personnel, inclusive of deputies, court attendants,
4 contractual law enforcement services, prisoner escorts within the
5 courts, and weapons screening personnel, court required training,
6 and overtime and related benefits of law enforcement supervisory
7 and line personnel.

8 (A) The Administrative Office of the Courts shall use the ~~actual~~
9 *average* salary and benefits costs approved for court law
10 enforcement personnel as of June 30 of each year in determining
11 the funding request that will be presented to the Department of
12 Finance.

13 (B) Courts and court security providers shall manage their
14 resources to minimize the use of overtime.

15 (7) "Allowable costs for vehicle use for court security needs,"
16 as defined in the contract law enforcement template, means the
17 per-mile recovery cost for vehicles used in rendering court law
18 enforcement services, exclusive of prisoner or detainee transport
19 to or from court. The standard mileage rate applied against the
20 miles driven for the above shall be the standard reimbursable
21 mileage rate in effect for judicial officers and employees at the
22 time of contract development.

23 (b) Nothing in this article may increase a county's obligation
24 or require any county to assume the responsibility for a cost of any
25 service that was defined as a court operation cost, as defined by
26 Function 8 of Rule 10.810 of the California Rules of Court, as it
27 read on January 1, 2007, or that meets the definition of any new
28 law enforcement component developed pursuant to this article.

29 *SEC. 10. Section 69957 of the Government Code is amended*
30 *to read:*

31 69957. (a) Whenever an official reporter or an official reporter
32 pro tempore is unavailable to report an action or proceeding in a
33 court, subject to the availability of approved equipment and
34 equipment monitors, the court may order that, in a limited civil
35 case, or a misdemeanor or infraction case, the action or proceeding
36 be electronically recorded, including all the testimony, the
37 objections made, the ruling of the court, the exceptions taken, all
38 arraignments, pleas, and sentences of defendants in criminal cases,
39 the arguments of the attorneys to the jury, and all statements and
40 remarks made and oral instructions given by the judge. A transcript

derived from an electronic recording may be utilized whenever a transcript of court proceedings is required. The electronic recording device and appurtenant equipment shall be of a type approved by the Judicial Council for courtroom use and shall only be purchased for use as provided by this section. A court shall not expend funds for *or use* electronic recording technology or equipment to make an unofficial record of an action or proceeding, *including for purposes of judicial notetaking*, or to ~~use that technology or equipment to~~ make the official record of an action or proceeding in circumstances not authorized by this section.

(b) Notwithstanding subdivision (a), a court may use electronic recording equipment for the internal personnel purpose of monitoring judicial officer performance if notice is provided to litigants that the proceeding may be recorded for that purpose. An electronic recording made for the purpose of monitoring judicial officer performance shall not be used for any other purpose and shall not be made publicly available. Any recording made pursuant to this subdivision shall be destroyed two years after the date of the proceeding unless a personnel matter is pending relating to performance of the judicial officer.

(c) Prior to purchasing or leasing any electronic recording technology or equipment, a court shall obtain advance approval from the Judicial Council, which may grant that approval only if the use of the technology or equipment will be consistent with this section.

SEC. 11. Section 70602 of the Government Code is amended to read:

70602. (a) It is the intent of the Legislature to establish a moratorium on increases in filing fees until January 1, 2012. No filing fee provided for in this chapter may be changed before January 1, 2012.

(b) Notwithstanding subdivision (a), due to the economic crisis facing California in the 2009–10 fiscal year, a first paper filing fee increase is included in conjunction with the Budget Act of 2009. This increase shall not be construed to otherwise affect the moratorium created pursuant to subdivision (a).

SEC. 12. Section 70626 of the Government Code is amended to read:

70626. (a) The fee for each of the following services is ~~fifteen dollars (\$15)~~. Amounts twenty-five dollars (\$25). Subject to

1 *subdivision (d), amounts* collected shall be distributed to the Trial
2 Court Trust Fund under Section 68085.1.

3 (1) Issuing a writ of attachment, a writ of mandate, a writ of
4 execution, a writ of sale, a writ of possession, a writ of prohibition,
5 or any other writ for the enforcement of any order or judgment.

6 (2) Issuing an abstract of judgment.

7 (3) Issuing a certificate of satisfaction of judgment under Section
8 724.100 of the Code of Civil Procedure.

9 (4) Certifying a copy of any paper, record, or proceeding on file
10 in the office of the clerk of any court.

11 (5) Taking an affidavit, except in criminal cases or adoption
12 proceedings.

13 (6) Acknowledgment of any deed or other instrument, including
14 the certificate.

15 (7) Recording or registering any license or certificate, or issuing
16 any certificate in connection with a license, required by law, for
17 which a charge is not otherwise prescribed.

18 (8) Issuing any certificate for which the fee is not otherwise
19 fixed.

20 (b) The fee for each of the following services is ~~twenty dollars~~
21 ~~(\$20). Amounts~~ *thirty dollars (\$30)*. *Subject to subdivision (d),*
22 *amounts* collected shall be distributed to the Trial Court Trust Fund
23 under Section 68085.1.

24 (1) Issuing an order of sale.

25 (2) Receiving and filing an abstract of judgment rendered by a
26 judge of another court and subsequent services based on it, unless
27 the abstract of judgment is filed under Section 704.750 or 708.160
28 of the Code of Civil Procedure.

29 (3) Filing a confession of judgment under Section 1134 of the
30 Code of Civil Procedure.

31 (4) Filing an application for renewal of judgment under Section
32 683.150 of the Code of Civil Procedure.

33 (5) Issuing a commission to take a deposition in another state
34 or place under Section 2026.010 of the Code of Civil Procedure,
35 or issuing a subpoena under Section 2029.300 to take a deposition
36 in this state for purposes of a proceeding pending in another
37 jurisdiction.

38 (6) Filing and entering an award under the Workers'
39 Compensation Law (Division 4 (commencing with Section 3200)
40 of the Labor Code).

1 (7) Filing an affidavit of publication of notice of dissolution of
2 partnership.

3 (8) Filing an appeal of a determination whether a dog is
4 potentially dangerous or vicious under Section 31622 of the Food
5 and Agricultural Code.

6 (9) Filing an affidavit under Section 13200 of the Probate Code,
7 together with the issuance of one certified copy of the affidavit
8 under Section 13202 of the Probate Code.

9 (10) Filing and indexing all papers for which a charge is not
10 elsewhere provided, other than papers filed in actions or special
11 proceedings, official bonds, or certificates of appointment.

12 (c) The fee for filing a first petition under Section 2029.600 or
13 2029.620 of the Code of Civil Procedure, if the petitioner is not a
14 party to the out-of-state case, is eighty dollars (\$80). Amounts
15 collected shall be distributed to the Trial Court Trust Fund pursuant
16 to Section 68085.1.

17 (d) *Of the amounts collected pursuant to subdivisions (a) and*
18 *(b), ten dollars (\$10) of each fee shall be transmitted quarterly to*
19 *be deposited in the Trial Court Trust Fund and, beginning July 1,*
20 *2011, used by the Judicial Council for the expenses of the Judicial*
21 *Council in implementing and administering the civil representation*
22 *pilot program under Section 68651.*

23 SEC. 13. *Section 77202.5 is added to the Government Code,*
24 *to read:*

25 77202.5. (a) *The Judicial Council shall report all approved*
26 *allocations and reimbursements to the trial courts in each fiscal*
27 *year, including funding received through augmentations in*
28 *accordance with paragraph (2) of subdivision (a) of Section 77202,*
29 *to the chairs of the Senate Committees on Budget and Fiscal*
30 *Review and Judiciary and the Assembly Committees on Budget*
31 *and Judiciary on or before September 30 following the close of*
32 *each fiscal year. The report shall include all of the following:*

33 (1) *A statement of the intended purpose for which each*
34 *allocation or reimbursement was made.*

35 (2) *The policy governing trial court reserves.*

36 (3) *All revenues, expenditures, reimbursements, and reserves,*
37 *including Trial Court Trust Fund and non-Trial Court Trust Fund*
38 *sources.*

39 (4) *An itemization of all funding allocations, expenditures, and*
40 *reimbursements, including those associated with administrative*

1 costs, by purpose, program, object, or function for which the
2 funding is intended to address.

3 (b) The Administrative Office of the Courts shall summarize the
4 information listed in paragraphs (1) to (4), inclusive, of subdivision
5 (a), by court and report it to the chairs of the Senate and Assembly
6 Committees on Budget and the Judiciary on or before November
7 1, 2009, and on or before November 1 following the close of each
8 fiscal year thereafter.

9 (c) The trial courts shall report to the Judicial Council on or
10 before September 15 following the close of each fiscal year all
11 court revenues, expenditures, reserves, and fund balances from
12 the prior fiscal year for funding from all fund sources. The report
13 shall specify all expenditures, including those associated with
14 administrative costs, by program, component, and object. The
15 Judicial Council shall summarize this information by court and
16 report it to the chairs of the Senate and Assembly Committees on
17 Budget and the Judiciary and post that information on a public
18 Internet Web site on or before December 31, 2009, and on or
19 before December 31 following the close of each fiscal year
20 thereafter.

21 (d) Nothing in this section is intended to restrict public access
22 to information otherwise authorized by statute, rule, or case law.

23 SEC. 14. Section 1465.8 of the Penal Code is amended to read:

24 1465.8. (a) (1) To ensure and maintain adequate funding for
25 court security, a fee of ~~twenty dollars (\$20)~~ thirty dollars (\$30)
26 shall be imposed on every conviction for a criminal offense,
27 including a traffic offense, except parking offenses as defined in
28 subdivision (i) of Section 1463, involving a violation of a section
29 of the Vehicle Code or any local ordinance adopted pursuant to
30 the Vehicle Code.

31 (2) For the purposes of this section, “conviction” includes the
32 dismissal of a traffic violation on the condition that the defendant
33 attend a court-ordered traffic violator school, as authorized by
34 Sections 41501 and 42005 of the Vehicle Code. This security fee
35 shall be deposited in accordance with subdivision (d), and may
36 not be included with the fee calculated and distributed pursuant to
37 Section 42007 of the Vehicle Code.

38 (b) This fee shall be in addition to the state penalty assessed
39 pursuant to Section 1464 and may not be included in the base fine
40 to calculate the state penalty assessment as specified in subdivision

(a) of Section 1464. The penalties authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and the state surcharge authorized by Section 1465.7, do not apply to this fee.

(c) When bail is deposited for an offense to which this section applies, and for which a court appearance is not necessary, the person making the deposit shall also deposit a sufficient amount to include the fee prescribed by this section.

(d) Notwithstanding any other provision of law, the fees collected pursuant to subdivision (a) shall all be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(e) The Judicial Council shall provide for the administration of this section.

(f) *This section shall remain in effect only until July 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2011, deletes or extends that date.*

SEC. 15. Section 1465.8 is added to the Penal Code, to read:

1465.8. (a) (1) *To ensure and maintain adequate funding for court security, a fee of twenty dollars (\$20) shall be imposed on every conviction for a criminal offense, including a traffic offense, except parking offenses as defined in subdivision (i) of Section 1463, involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.*

(2) *For the purposes of this section, "conviction" includes the dismissal of a traffic violation on the condition that the defendant attend a court-ordered traffic violator school, as authorized by Sections 41501 and 42005 of the Vehicle Code. This security fee shall be deposited in accordance with subdivision (d), and may not be included with the fee calculated and distributed pursuant to Section 42007 of the Vehicle Code.*

(b) *This fee shall be in addition to the state penalty assessed pursuant to Section 1464 and may not be included in the base fine to calculate the state penalty assessment as specified in subdivision (a) of Section 1464. The penalties authorized by Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, and the state surcharge authorized by Section 1465.7, do not apply to this fee.*

(c) *When bail is deposited for an offense to which this section applies, and for which a court appearance is not necessary, the*

1 *person making the deposit shall also deposit a sufficient amount*
2 *to include the fee prescribed by this section.*

3 *(d) Notwithstanding any other provision of law, the fees*
4 *collected pursuant to subdivision (a) shall all be deposited in a*
5 *special account in the county treasury and transmitted therefrom*
6 *monthly to the Controller for deposit in the Trial Court Trust Fund.*

7 *(e) The Judicial Council shall provide for the administration*
8 *of this section.*

9 *(f) This section shall become operative on July 1, 2011.*

10 *SEC. 16. Section 11050.5 of the Penal Code is amended to*
11 *read:*

12 11050.5. (a) The Attorney General may, upon the request of
13 any district attorney, sheriff, chief of police, or other local, state
14 or federal law enforcement official, make available to such official
15 so requesting, the department's laboratory facilities and personnel
16 and the department's technical experts, including but not limited
17 to such personnel as fingerprint examiners, criminalists, document
18 examiners and intelligence specialists for the purpose of assisting
19 in the investigation of criminal matters, the detection of crimes
20 and the apprehension or prosecution of criminals.

21 (b) The Attorney General may, upon the request of any public
22 defender or private defense counsel appointed by the court, make
23 available to such public defender or such private appointed counsel,
24 the department's laboratory facilities and personnel and the
25 department's technical experts, including but not limited to such
26 personnel as fingerprint examiners, criminalists, document
27 examiners and intelligence specialists for the purpose of assisting
28 in the representation by such public defender or private appointed
29 counsel of persons in criminal proceedings. The Attorney General
30 may contract with each county whose public defender or such
31 private appointed counsel makes requests pursuant to this
32 subdivision for the payment of the reasonable costs of time and
33 material in making available information, services or facilities
34 pursuant to this subdivision. No information, services or facilities
35 shall be made available to such public defender or private appointed
36 counsel unless the county so contracts with the Attorney General.

37 (c) A copy of any information, including the results of any
38 analysis, furnished by the Attorney General to a public defender,
39 or private defense counsel appointed by the court, pursuant to
40 subdivision (b) shall be sent to the district attorney of the county

1 in which the public defender is located. If this subdivision or its
2 application to any person or circumstance is invalid, subdivision
3 (b) shall not be operative.

4 (d) The Department of Justice ~~may~~ shall charge a fee for the
5 laboratory services it performs *on or after July 1, 2009. The fee*
6 *charged shall be based on a sliding scale fee structure that takes*
7 *into account the ability of an agency using a laboratory to pay the*
8 *fee. The department shall develop the sliding scale fee structure*
9 *in consultation with the Department of Finance and the Legislative*
10 *Analyst's Office. The Department of Justice shall report to the*
11 *Legislature no later than January 10, 2010, on the fee structure*
12 *implemented. The report shall include the estimated laboratory*
13 *fee revenue to be collected, the impact that the fee structure will*
14 *have on laboratory workload, and the total level of General Fund*
15 *savings that is expected to be generated upon full implementation*
16 *of the fee structure.*

17 SEC. 17. Section 1955 of the Welfare and Institutions Code is
18 amended to read:

19 1955. (a) The allocation amount for each county from the
20 Youthful Offender Block Grant Fund for offenders subject to
21 Sections 733, 1766, and 1767.35 shall be ~~distributed once annually~~
22 *allocated in four equal installments, to be paid in September,*
23 *December, March, and June of each fiscal year, as follows:*

24 (1) Fifty percent based on the number of the county's juvenile
25 felony court dispositions, according to the most recent data
26 compiled by the Department of Justice, calculated as a percentage
27 of the state total.

28 (2) Fifty percent based on the county's population of minors
29 from 10 to 17 years of age, inclusive, according to the most recent
30 data published by the Department of ~~Justice~~ *Finance*, calculated
31 as a percentage of the state total.

32 (b) Each county shall receive a minimum block grant allocation
33 of fifty-eight thousand five hundred dollars (\$58,500) for the
34 2007–08 fiscal year, and a minimum block grant allocation of one
35 hundred seventeen thousand dollars (\$117,000) for each fiscal year
36 thereafter.

37 (c) Commencing with the 2008–09 fiscal year, allocations shall
38 be available to counties that have met the requirements of Section
39 1961.

1 *SEC. 18. Section 1961 of the Welfare and Institutions Code is*
2 *amended to read:*

3 1961. (a) On or before ~~January 1, 2008~~ *May 1 of each year,*
4 each county shall prepare and submit to the Corrections Standards
5 Authority for approval a Juvenile Justice Development Plan ~~for~~
6 ~~youthful offenders who have not committed an offense described~~
7 ~~in subdivision (b) of Section 707 and are in the custody of the~~
8 ~~county commencing September 1, 2007 on its proposed~~
9 ~~expenditures for the next fiscal year from the Youthful Offender~~
10 ~~Block Grant Fund described in Section 1951.~~ The plan shall include
11 ~~both~~ all of the following:

12 ~~(a)~~

13 (1) A description of the programs, placements, services, or
14 strategies to be funded by the block grant allocation pursuant to
15 this chapter, including, but not limited to, the programs, tools, and
16 strategies outlined in Section 1960.

17 (2) *The proposed expenditures of block grant funds for each*
18 ~~program, placement, service, strategy, or for any other item,~~
19 ~~activity, or operation.~~

20 (3) *A description of how the plan relates to or supports the*
21 ~~county's overall strategy for dealing with youthful offenders who~~
22 ~~have not committed an offense described in subdivision (b) of~~
23 ~~Section 707, and who are no longer eligible for commitment to the~~
24 ~~Division of Juvenile Facilities under Section 733 as of September~~
25 ~~1, 2007.~~

26 ~~(b)~~

27 (4) A description of any regional agreements or arrangements
28 to be supported by the block grant allocation pursuant to this
29 chapter.

30 ~~(c)~~

31 (5) A description of how ~~these new~~ *the* programs, placements,
32 ~~services, or strategies identified in the plan~~ coordinate with
33 programs under Chapter 353 of the Statutes of 2000 ~~(A.B. (AB~~
34 ~~1913).~~

35 (b) *The plan described in subdivision (a) shall be submitted in*
36 ~~a format developed and provided by the Corrections Standards~~
37 ~~Authority. The Corrections Standards Authority may develop and~~
38 ~~provide a dual format for counties for the submission together of~~
39 ~~the county Juvenile Justice Development Plan described in~~
40 ~~subdivision (a) and the county multiagency juvenile justice plan~~

1 *described in paragraph (4) of subdivision (b) of Section 30061 of*
2 *the Government Code. A county may elect to submit both plans*
3 *using the dual format and under guidelines established by the*
4 *Corrections Standards Authority.*

5 *(c) Each county receiving an allocation from the Youthful*
6 *Offender Block Grant fund described in Section 1951 shall, by*
7 *October 1 of each year, submit an annual report to the Corrections*
8 *Standards Authority on its utilization of the block grant funds in*
9 *the preceding fiscal year. The report shall be in a format specified*
10 *by the authority and shall include all of the following:*

11 *(1) A description of the programs, placements, services, and*
12 *strategies supported by block grant funds in the preceding fiscal*
13 *year, and an accounting of all of the county's expenditures of block*
14 *grant funds for the preceding fiscal year.*

15 *(2) Performance outcomes for the programs, placements,*
16 *services, and strategies supported by block grant funds in the*
17 *preceding fiscal year, including, at a minimum, the following:*

18 *(A) The number of youth served including their characteristics*
19 *as to offense, age, gender, race, and ethnicity.*

20 *(B) As relevant to the program, placement, service, or strategy,*
21 *the rate of successful completion by youth.*

22 *(C) For any program or placement supported by block grant*
23 *funds, the arrest, rearrest, incarceration, and probation violation*
24 *rates of youth in any program or placement.*

25 *(D) Quantification of the annual per capita cost of the program,*
26 *placement, strategy, or activity.*

27 *(d) The authority shall prepare and make available to the public*
28 *on its Internet Web site summaries of the annual county reports*
29 *submitted in accordance with subdivision (c). By March 15 of each*
30 *year, the authority also shall prepare and submit to the Legislature*
31 *a report summarizing county utilizations of block grant funds in*
32 *the preceding fiscal year, including a summary of the performance*
33 *outcomes reported by counties for the preceding fiscal year.*

34 *(e) The authority may modify the performance outcome measures*
35 *specified in paragraph (2) of subdivision (c) if it determines that*
36 *counties are substantially unable to provide the information*
37 *necessary to support the measures specified. Prior to making that*
38 *modification, the authority shall consult with affected county and*
39 *state juvenile justice stakeholders. In the event that any adjustment*
40 *of the performance outcome measures is made, the outcome*

1 *measures shall, to the extent feasible, remain consistent with the*
2 *performance outcome measures specified in subparagraph (C) of*
3 *paragraph (4) of subdivision (b) of Section 30061 of the*
4 *Government Code for programs receiving juvenile justice grants*
5 *from the Supplemental Law Enforcement Services Fund.*

6 *SEC. 19. The provisions of this act are severable. If any*
7 *provision of this act or its application is held invalid, that invalidity*
8 *shall not affect other provisions or applications that can be given*
9 *effect without the invalid provision or application.*

10 *SEC. 20. This act addresses the fiscal emergency declared by*
11 *the Governor by proclamation on December 19, 2008, pursuant*
12 *to subdivision (f) of Section 10 of Article IV of the California*
13 *Constitution.*

14 *SEC. 21. If the Commission on State Mandates determines that*
15 *this act contains costs mandated by the state, reimbursement to*
16 *local agencies and school districts for those costs shall be made*
17 *pursuant to Part 7 (commencing with Section 17500) of Division*
18 *4 of Title 2 of the Government Code.*

19 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
20 ~~changes relating to the Budget Act of 2009.~~

21 ~~SEC. 2. This act addresses the fiscal emergency declared by~~
22 ~~the Governor by proclamation on December 19, 2008, pursuant~~
23 ~~to subdivision (f) of Section 10 of Article IV of the California~~
24 ~~Constitution.~~